

Exhibit C

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 818

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, CREATING AN ANTI-CAMPING OR ANTI-DWELLING ORDINANCE IN BURIEN, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on July 17, 2023, during a regular council meeting, the council requested that the City Manager draft (or have drafted) an anti-camping ordinance for Burien;

WHEREAS, the council specifically requested that the ordinance be modeled on Bellevue ordinance 10.06.110;

WHEREAS, the language in this anti-camping ordinance complies with the *Martin v. Boise* and *Johnson v. Grants Pass* Ninth Circuit decisions in that it does not criminalize people resting, sleeping, or lying down on public property if there are no shelter beds or spaces available, rather it sets a reasonable time, and it authorizes the City Manager to set reasonable place and manner restrictions on resting, sleeping, or lying down on public property;

WHEREAS, the proposed ordinance below is the requested draft ordinance with a grace or education period before potential enforcement; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section One. Section 9.85.150, entitled **Unlawful Public Camping**, of the Burien Municipal Code, is created and states as follows.

A. A person is guilty of unlawful public camping if that person uses nonresidential public property, as defined in this section, as a temporary or permanent dwelling, lodging, residence, or living accommodation, at any time between 10:00 p.m. and 6:00 a.m., except at places set aside and posted for such purposes by the Burien City Manager or designee, or by permit issued by the Burien City Manager or designee.

B. For this section, “nonresidential public property” means any street, sidewalk, Burien public park, or any other open area where Burien or another governmental agency has a property interest, including easements. “Nonresidential public property” does not include apartments, houses, or other fixed residential living quarters owned or leased by Burien.

C. Indicia of camping include but are not limited to bedding, cots, sleeping bags, tents or other temporary shelters, personal belongings storage, and cooking equipment use or storage.

D. Unlawful public camping is a misdemeanor.

E. A person is not guilty of unlawful public camping if there is no available overnight shelter when the person is on public property. "Available overnight shelter" means a public or private shelter with available overnight space, open to individuals experiencing homelessness at no charge. If the person cannot utilize an available overnight shelter due to voluntary actions such as intoxication, drug use, unruly or assaultive behavior, or violation of shelter rules, the overnight shelter space shall still be considered available for this section.

F. The City Manager shall have the permit authority noted above in addition to the emergency authority provided under BMC Chapter 2.75 and any other applicable laws, orders, rules, or equivalents.

G. Given the sensitivity of this matter, the significance and impact of the unhoused, and the need to educate and inform the public, including the unhoused, this ordinance will take effect on November 1, 2023.

Section Two. Severability. Should a court of competent jurisdiction find any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining parts of this ordinance or its application to other persons or circumstances.


Section Three. Edits. For purposes of this ordinance, additions are underlined, and deletions are stricken with brackets around the deleted language.

Section Four. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

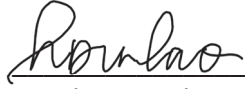
Section Five. Effective Date. This ordinance shall be published in Burien's official newspaper and take effect on November 1, 2023.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR BUSINESS MEETING THEREOF THIS 25th DAY OF SEPTEMBER, 2023.

CITY OF BURIEN


Sofia Aragon, Mayor

ATTEST/AUTHENTICATED:

A handwritten signature in black ink, appearing to read "Heather Dumlao", written over a horizontal line.

Heather Dumlao, City Clerk

Approved as to form:

A handwritten signature in blue ink, appearing to read "Garmon Newsom II", written over a horizontal line.

Garmon Newsom II, City Attorney

Filed with the City Clerk: September 13, 2023
Passed by the City Council: September 25, 2023
Ordinance No.: 818
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